

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHARLES HOLBROOK,

Petitioner,

v.

STATE OF MICHIGAN,

Respondent.

Case No. [22-cv-04508-JST](#)

**ORDER OF DISMISSAL; DENYING  
CERTIFICATE OF APPEALABILITY**

On or about August 4, 2022, Petitioner filed a letter with this Court, ECF No. 1, which the Court construed as an attempt to file a petition for a writ of habeas corpus. ECF No. 1. That same day, the Clerk of the Court informed Petitioner that this action was deficient because (1) he had not submitted a petition on the proper form; and (2) he had not submitted an *in forma pauperis* application or paid the filing fee. ECF Nos. 2, 3. The Court informed Petitioner that he needed to correct the deficiencies within twenty-eight days from the date of the notice to avoid dismissal of this action. ECF Nos. 2, 3. The deadline has passed, and Petitioner has not submitted the required documents.

The Court therefore DISMISSES this action without prejudice. Because this dismissal is without prejudice, Petitioner may move to reopen the action. Any such motion must contain both (1) a petition on the proper form and (2) either the full filing fee or a complete *in forma pauperis* application.

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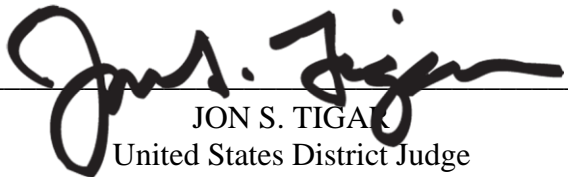
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1 The Court concludes that no “jurists of reason would find it debatable whether the petition  
2 states a valid claim of the denial of a constitutional right [or] that jurists of reason would find it  
3 debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529  
4 U.S. 473, 484 (2000). Accordingly, a certificate of appealability is DENIED.

5 **IT IS SO ORDERED.**

6 Dated: September 12, 2022

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8 JON S. TIGARI  
United States District Judge

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